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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,969	01/12/2000	Norman C. Chan	Chan 11	7737

22442 7590 05/31/2002

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

16

# Office Action Summary

Application No.

09/482,969

Applicant(s)

CHAN, NORMAN C.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3, 5 and 7 are rejected under 35 U.S.C § 102(e) as being anticipated by Kelly, Jr. et al. U.S. Patent No. 4941168 (hereinafter Kelly).

Regarding claim 1, Kelly discloses a method for use in managing outgoing calls in a call center comprising:

initiating a call to a first party from the call center via a communication medium (col. 3, lines 34-40);

monitoring said communication medium for signals received from a location associated with said first party after said step of initiating a call (col. 3, lines 40-42);

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detecting an audible signal received from the first party location via said communication medium (col. 3, line 42);

initiating processing of said audible signal in a call classifier to determine a characteristic of said audible signal (col. 3, lines 52-57); and

playing a prerecorded greeting during said call, said prerecorded greeting being played during a time period when said call classifier is processing said audible signal (col. 6, lines 25-27).

Regarding claim 2, Kelly discloses a method claimed in claim 1, wherein:

said step of playing a prerecorded greeting includes detecting a period of silence on said communication medium (col. 6, lines 10-19);

and initiating playback of said prerecorded greeting in response thereto (col. 5, lines 32-36);

Regarding claim 7, see col. 5, line 9.

Regarding claim 3, see col. 3, line 55-57.

Regarding claim 5, Kelly discloses a method claimed in claim 3, further comprising the step of:

when said call classifier determines that said audible signal was not generated by a live party at the first party

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location (col. 5, lines 48-53), terminating the call (col. 5, lines 18-20).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4, 6, 8-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly, Jr. et al. U.S. Patent No. 4941168 (hereinafter Kelly) in view of Jesurum et al, U.S. Patent No. 5430792 (hereinafter Jesurum).

Regarding claim 4, Kelly as applied in claim 1 does not disclose a method further comprising the step of:

when said call classifier determines that said audible signal was generated by a live party at the first party location, establishing a talk path between the live party and an agent at the call center after playback of said prerecorded greeting has ended.

However Jesurum discloses a method comprising the step of:

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when said call classifier determines that said audible signal was generated by a live party at the first party location, establishing a talk path between the live party and an agent at the call center (col. 7, lines 30-35).

Again Kelly allows a method comprising the steps of:

initiating a call to a first party from the call center via a communication medium (col. 3, lines 34-40);

monitoring said communication medium for signals received from a location associated with said first party after said step of initiating a call (col. 3, lines 40-42);

detecting an audible signal received from the first party location via said communication medium (col. 3, line 42);

initiating processing of said audible signal in a call classifier to determine a characteristic of said audible signal (col. 3, lines 52-57); and

playing a prerecorded greeting during said call, said prerecorded greeting being played during a time period when said call classifier is processing said audible signal (col. 6, lines 25-27).

Jesurum allows a method comprising the step of:

when said call classifier determines that said audible signal was generated by a live party at the first party

location, establishing a talk path between the live party and an agent at the call center (col. 4, lines 1-5).

Establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call is well known in the art because it eliminates the need to establish a talk path when it is determined that the telephone call was answered by an answering machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kelly with a method of establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call as taught by Jesurum. This modification eliminates the need to establish a talk path when it is determined that the telephone call was answered by an answering machine.

Regarding claim 8, Kelly discloses a method for use in managing an outgoing call comprising the steps of:

placing an outgoing call to a remote party over a communication network (col. 3, lines 34-40);

processing a signal received from said remote party location during said call to determine a source type of said signal (col. 3, lines 52-57);

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playing a prerecorded greeting to said remote party location during said step of processing (col. 6, lines 25-27);

Kelly does not disclose a method of establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal.

However Jesurum discloses a method of establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call (col. 7, lines 30-35).

Again Kelly allows a method comprising placing an outgoing call to a remote party over a communication network, processing a signal received from said remote party location during said call to determine a source type of said signal, playing a prerecorded greeting to said remote party location during said step of processing. Jesurum allows a method of establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call. Establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call is well known in the art because it eliminates the need to establish a talk path when it is determined that the telephone call was answered by an



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answering machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kelly with a method of establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call as taught by Jesurum. This modification eliminates the need to establish a talk path when it is determined that the telephone call was answered by an answering machine.

Regarding claim 9, see Kelly, col. 5, lines 48-53 and lines 19-20.

Regarding claim 10, see Kelly, col. 5, line 9.

Regarding claim 12, see Kelly, col. 3, line 55-57.

Regarding claim 13, see Kelly, col. 6, lines 10-19 and col. 5, lines 32-36.

Regarding claim 14, see Jesurum, col. 7, lines 30-35.

Regarding claim 15, Kelly discloses a system comprising:

a call processing unit (16) for use in placing a call to a remote party location via communication network (col. 3, lines 34-40);

a call classifier unit (16) for analyzing a signal received from said remote party location to determine whether said signal

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originated from a live party during the call (col. 3, line 55-57);

a message playback unit (16) for playing back a prerecorded message to said remote party location while said call classifier is analyzing said signal (col. 6, lines 25-27);

Kelly does not disclose a switch unit for establishing a talk path between a local agent position and said remote party location when it is determined by said call classifier unit that said signal originated from a live party during the call.

However, Jesurum discloses a system including a switch unit (16) for establishing a talk path between a local agent position and said remote party location when it is determined by said call classifier unit that said signal originated from a live party during the call (col. 7, lines 30-35).

Again Kelly allows a system comprising:

a call processing unit for use in placing a call to a remote party location via a communication network;

a call classifier unit for analyzing a signal received from said remote party location to determine whether said signal originated from a live party during the call;

a message playback unit for playing back a prerecorded message to said remote party location while said classifier unit is analyzing said signal;

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Jesurum allows a switch unit for establishing a talk path between a local agent position and said remote party location when it is determined by said call classifier unit that said signal originated from a live party during the call. Using a switch unit to establish a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call is well known in the art because it eliminates the need to establish a talk path when it is determined that the telephone call was answered by an answering machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kelly with a system including a switch unit for establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call as taught by Jesurum. This modification eliminates the need to establish a talk path when it is determined that the telephone call was answered by an answering machine.

Regarding claim 16, see Kelly, col. 6, lines 10-19 and col. 5, lines 32-36.

Regarding claims 6, 11, 17 and 18 see Jesurum, Figure 1.

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Regarding claim 19, Kelly discloses a system claimed in claim 15, further comprising the step of:

said call processing unit includes means for terminating said call (col. 5, lines 18-20) when it is determined by said call classifier unit that said signal did not originate from a live party during the call (col. 5, lines 48-53).

Regarding claim 20, see Jesurum, col. 3, lines 51-52.

Regarding claim 21, see Kelly, col. 3, lines 66-67 and col. 1, line 3.

Regarding claim 22, see Jesurum, col. 5, lines 4-20. Jessurum discloses the trunk processor (18) is able to interface with multiple trunk lines (16a, 16b and 16c) to determine whether a received signal originated from a live party during a call (col. 6, lines 29-30). It is clear that the trunk processor and the multiple trunk lines reads on the pool of call classifier units so each trunk line mixed with the trunk processor is the claimed call classifier unit because they perform the same tasks.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.  
Olisa Anwah  
May 28, 2002

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